

REMARKS

Claims 28, 32, 36, 39, and 42 have been amended. No claims have been cancelled, and no new claims have been added. Claims 1-27 were earlier withdrawn. Claims 28-44 are pending.

Claim Amendments

We have amended the independent claims to add additional patentable limitations even though we maintain our assertion that the claims prior to amendments were allowable.

Claim Rejections - 35 USC § 102(e)

The Examiner rejected claims 36-37 and 39-41 under 35 USC § 102(e) as anticipated by Tuomenoksa (US 7,181,542). This rejection is respectfully traversed.

Claims 36 and 39 are independent. The remainder of the claims in this rejection depend on claims 36 or 39.

Claim 36 has been amended, in part, to recite:

the second computing device processing a start request to establish a communication channel to the first computing device on a first network through the network device

the second computing device receiving a mirror request from the first computing device over the communication channel on the first network, the mirror request specifying the network device

the second computing device sending a request granted packet to the first computing device over the communication channel

Claim 39 has been amended, in part, to recite:

the network testing system processing a start request to establish a communication channel to a computing device on a first network through a network device included in one of the network cards

the network testing system receiving a mirror request from the computing device over the communication channel on the first network, the mirror request specifying the network device

the network testing system sending a request granted packet to the computing device over the communication channel

We assert that the newly added start request to establish a connection, the mirror request, and the request granted limitations in combination with the remainder of the claims are not disclosed by Tuomenoksa.

Because Tuomenoksa fails to disclose all of the limitations recited in claims 36 and 39, claims 36 and 39 and all claims depending thereon are patentable over Tuomenoksa.

Claim Rejections - 35 USC § 103(a)

A. The Examiner rejected claims 42-44 under 35 USC § 103(a) as rendered obvious by Tuomenoksa. This rejection is respectfully traversed.

Claim 42 is patentable over Tuomenoksa for the reasons set forth above regarding the § 102 anticipation rejection of claim 39. Namely, that the newly added start request to establish a connection, the mirror request, and the request granted limitations in combination with the remainder of the claim are not disclosed by Tuomenoksa. Therefore, claims 42 and all claims dependent thereon are patentable over Tuomenoksa.

B. The Examiner rejected claims 28-35 under 35 USC § 103(a) as rendered obvious by Tuomenoksa in view of Aysan (US 7,379,465) and Archaya (US 6,894,999). This rejection is respectfully traversed.

Claims 28 and 32 are independent. The remainder of the claims in this rejection depend on claims 28 or 32.

Claim 28 has been amended, in part, to recite:

processing a start request to establish a communication channel to the first computing device on the first network through the network device

Appl. No. 10/608,491
RCE Dated 2/12/2009
Response to Final Office Action dated 11/14/2008

receiving a mirror request from the first computing device over the communication channel on the first network, the mirror request specifying the network device

sending a request granted packet to the first computing device over the communication channel

Claim 32 has been amended, in part, to recite:

processing a start request to establish a communication channel to the first computing device on the first network through a first network device of the at least one network device

receiving a mirror request from the first computing device over the communication channel on the first network, the mirror request specifying the first network device

sending a request granted packet to the first computing device over the communication channel

We assert that the newly added start request to establish a connection, the mirror request, and the request granted limitations in combination with the remainder of the claims are not disclosed by any of Tuomenoksa, Aysan and Archaya taken separately or together.

Because the combination of Tuomenoksa, Aysan and Archaya fails to disclose all of the limitations recited in claims 28 and 32, claims 28 and 32 and all claims depending thereon are patentable over Tuomenoksa and Archaya.

Disclaimers Relating to Claim Interpretation and Prosecution History Estoppel

The claims of this application are intended to stand on their own and are not to be read in light of the prosecution history of any related or unrelated patent or patent application. Furthermore, no arguments in any prosecution history relate to any claim in this application, except for arguments specifically directed to the claim.

Appl. No. 10/608,491
RCE Dated 2/12/2009
Response to Final Office Action dated 11/14/2008

Conclusion

It is submitted, however, that the independent and dependent claims include other significant and substantial recitations which are not disclosed in the cited references. Thus, the claims are also patentable for additional reasons. However, for economy the additional grounds for patentability are not set forth here.

In view of all of the above, it is respectfully submitted that the present application is now in condition for allowance. Reconsideration and reexamination are respectfully requested and allowance at an early date is solicited.

The Examiner is invited to call the undersigned to answer any questions or to discuss steps necessary for placing the application in condition for allowance.

Respectfully submitted,



Mark A. Goldstein
Reg. No. 50,759

Date: February 12, 2009

SoCal IP Law Group LLP
310 N. Westlake Blvd., Suite 120
Westlake Village, CA 91362
Telephone: 805/230-1350 x240
Facsimile: 805/230-1355
email: mgoldstein@socalip.com